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9
 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 RAJVINDER SINGH,)
 13 Plaintiff,) No. C 07-4772 JW
 14 v.)
 15 MICHAEL CHERTOFF, Secretary of)
 Homeland Security; EMILIO T. GONZALES,) STIPULATION TO TRANSFER
 16 Director of the U.S. Citizenship and Immigration)
 Services; ROSEMARY MELVILLE, District)
 17 Director, U.S. Citizenship and Immigration)
 Services; FRANCIS D. SICILIANO, Officer in)
 18 Charge of the San Jose Office of the U.S.)
 Citizenship and Immigration Services,)
 19)
 20 Defendants.)
 _____)

James Ware
**STIPULATION TO TRANSFER
 PROPOSED ORDER**

21
 22 This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of Tracy, California, alleges
 23 that he attended an interview on his naturalization application on November 15, 2004, but the
 24 application remains unadjudicated.

25 Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination 120 days
 26 or more after the date of a naturalization examination, the applicant may apply to the United States
 27 District Court for the district in which the applicant resides for a hearing on the matter.

28 Tracy, California is located in San Joaquin County, in the Eastern District of California. 28 U.S.C.

1 § 84(a). Accordingly, venue for this action is proper in the Eastern District, but not in this District.

2 The parties to this action, by and through their attorneys, hereby stipulate and request of the Court
3 that this action should be transferred to the Eastern District of California pursuant to 28 U.S.C.

4 § 1406(a). Section 1406(a) provides:

5 The district court of a district in which is filed a case laying in venue in the wrong division or
6 district shall dismiss, or if it be in the interest of justice, transfer such case to any district or
division in which it could have been brought.

7 Because venue is proper only in the Eastern District, the parties believe that the interests of justice
8 require that this action be transferred to the United States District Court for the Eastern District of
9 California.

10 Dated: January 28, 2008

Respectfully submitted,

11 JOSEPH P. RUSSONIELLO
United States Attorney

13 /s/
14 MELANIE L. PROCTOR¹
Assistant United States Attorney
15 Attorneys for Defendants

16 Dated: January 28, 2008

17 /s/
18 KANWAL M. SINGH
Attorney for Plaintiff

19 **ORDER**

20 The foregoing stipulation is approved and this action is hereby transferred to the United States
21 District Court for the Eastern District of California, the judicial district in which this case should have
22 been brought. IT IS SO ORDERED.

23 The Clerk shall close this case upon transfer.

24 Date: January 30, 2008

25 
26 JAMES WARE
27 United States District Judge

28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any
signatures indicated by a "conformed" signature (/S/) within this efiled document.

STIPULATION TO TRANSFER

C07-4772 JW